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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

PRISCILLA WRIGHT,

Defendant and Appellant.

A106832

(Contra Costa County  
Super. Ct. No. 05-031029-2)

Defendant appeals from a judgment following her plea of no contest to one count of misdemeanor embezzlement in violation of Penal Code section 487 subdivision (a)/508<sup>1</sup>. Her counsel has raised no issues and asks this court for an independent review of the record to determine whether there are any issues that would, if resolved favorably to defendant, result in reversal or modification of the judgment. (*People v. Wende* (1979) 25 Cal.3d 436; see *Smith v. Robbins* (2000) 528 U.S. 259.) We affirm.

Following a preliminary hearing, an information was filed charging defendant with one count of embezzlement by clerk, agent or servant. (Pen. Code § 487(a)/508.) On September 8, 2003, the words “felony and feloniously” were struck from the information, and defendant entered a plea of no contest to the misdemeanor offense as then set forth in the information. She was placed on two years’ court probation, ordered to pay a restitution fine of \$100.00, perform 100 hours of volunteer work, and pay restitution to the victim as determined by the probation officer. A “Restitution

Supplemental Report” was submitted by the probation office reporting that the victim, Jeff Irwin, had submitted a restitution claim in the amount of \$11,800.00. After a contested evidentiary hearing to determine the amount of restitution was held on May 7, 2004, the court set restitution in the amount of \$8,612.50.

Defendant worked for Mr. Irwin in his office and had authority to “sign checks for payroll and to pay bills.” In July 2002, defendant withdrew \$5,000.00 from Mr. Irwin’s account without his permission. Defendant also withdrew \$2,000.00 on June 27, 2002, and subsequently requested a \$2,000.00 loan from Mr. Irwin which he agreed to without knowing that she had previously withdrawn the money from his account.

Defendant was represented by counsel at all critical stages of the proceedings. She was advised of her rights and the consequences of her plea and voluntarily waived those rights prior to entering her plea of no contest.

There was no sentencing error. The restitution order was not “arbitrary, capricious, or beyond the bounds of reason under all the circumstances.” (*People v. Hove* (1999) 76 Cal.App.4th 1266, 1275.)

The judgment is affirmed.

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Swager, J.

We concur:

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Stein, Acting P. J.

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Margulies, J.

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<sup>1</sup> All statutory references are to the Penal Code.